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UNCLAS SECTION 01 OF 02 ROME 001395

SIPDIS
SENSITIVE

STATE PLEASE PASS TO USTR FOR ERIN MCCONAHA, JENNIFER CHOE GROVES,
CHRISTOPHER WILSON
STATE PLEASE PASS TO EEB/TPP/IPE FOR TOM O'KEEFE, JOELLEN URBAN,
TIMOTHY MCGOWAN
DEPT OF COMMERCE FOR SUSAN WILSON
DHS PLEASE PASS TO ICE

E.O. 12958: N/A
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SUBJECT: IPR IN ITALY - USG COOPERATION WITH ITALIAN IP DIRECTORATE

REF: (A) ROME 1047 (B) ROME 535

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Summary
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¶1. (U) Italian officials have expressed interest in closer collaboration with the U.S. Patent and Trademark Office on intellectual property (IP) issues. They also seem eager to take steps that could lead to Italy being taken off the USG's 301 Watch List, but it is not clear that they will succeed in bringing about needed policy changes. End summary.

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USPTO-IPTO MEETING
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¶2. (U) Michael Shapiro of the U.S. Patent and Trademark Office met with Isabella Flajban, chief of international relations at the Italian Patent and Trademarks Office (IPTO) and one of the leaders of the new Italian IP Directorate. Flajban expressed strong interest in establishing new IPTO-USPTO collaboration. She indicated that the IPTO would like to revive and expand the scope of a 2002 agreement signed by the Ministry of Economic Development (under which the IPTO falls) and the USPTO. Some areas of interest include judicial exchange programs, legislative updates, joint outreach/sensitization programs to address IPR protection, as well as the following issues:

-- Intellectual property issues related to technology transfer: Flajban proposed a joint project or conference that would build on two previous events co-hosted by the Economic Development Ministry and the Embassy which were a 2004 conference on the Bayh-Dole act and a 2007 seminar on IP aspects of tech transfer and university-private sector collaboration. The GOI is planning to invest additional funds in tech transfer offices in Italian Universities, and as such would be interested in hearing from American university staff who work with technology licensing. Shapiro suggested that it might interest them to hear from some of the new voices in the debate who are promoting alternatives to Bayh-Dole that would focus on a more collaborative research model.

-- Geographical Indications: The Italians are interested in discussing geographical indications (GIs). Shapiro suggested that it might benefit the Italians to hear from some American experts of the U.S. system who are good at explaining how/why we feel that the

U.S. system will adequately protect Italian GIs. (Note: GOI officials are likely interested in debating the issue as they do not agree with the USG position on these protections, which are provided to food and beverage products in Europe, but not in the U.S.)

-- IP and Cultural assets: Shapiro suggested the Italians might benefit from hearing how Intellectual Property relates to protecting cultural assets. This is a topic that could be useful in engaging the Ministry of Culture, which has competence over aspects of IPR but is not always concerned with protecting IPR.

13. (U) Flajban said the Italian IP Directorate is equally interested in moving ahead on collaboration with USTR, especially on the issue of USTR's 301 Watch list. Italy is on the list because of inadequate protection of intellectual property rights.

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Italy still on 301 Watch List
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14. (SBU) Italy has long been on the USTR's 301 Watch list. The list has caused tension with Italian government officials and over the course of the past year the Embassy has made efforts to engage Italian officials on the issue. Recently GOI officials have indicated a new interest in collaborating with the USG, and in addressing some IPR protection deficiencies highlighted in the 301 report.

15. (U) The visit earlier this year by the USTR's Director for European Affairs kick-started this process of collaboration and Post is working with the Italian IP Directorate, USTR, the USPTO and others on setting up a January digital video conference to discuss

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potential collaborative projects and to address the issue of improved IPR protection in Italy.

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COMMENT
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16. (SBU) Officials with Italy's IP directorate seem genuinely interested in making progress on IPR protection, but it is still not clear to us that they will be able to bring about the policy changes that would justify taking Italy off the 301 Watch list. The IP Director General is energetic has been given the authority to coordinate domestic IPR protection efforts. Post has observed, however, that GOI officials are inclined to focus on trademark and patent protection and frequently put copyright issues on the back burner. Collaboration with the IP directorate on specific projects or IP issues will provide an opportunity to push the Italians to strengthen IPR protection and address USG concerns. For any ongoing collaboration to effectively deal with U.S. interests, however, copyright protection, particularly the issue of online piracy, will need to be included. End Comment.

THORNE